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| 10/774,780 | 02/09/2004 | Gregory D. Aviza | 00216-674001 / Case 8144 | 8854 |

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EXAMINER

PETERSON, KENNETH E

ART UNIT PAPER NUMBER

3724

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3724

1. Claims 6,7,13,14,16-21,24-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group or species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 26 May 05.

Applicant indicated that claims 9-11 are nonelected, but they are actually within the scope of the elected species, so they will be examined.

2. Applicant's original drawings, received 09 Feb 04, were found to be defective. A letter sent on 11 May 04 required new drawings in compliance with 37 CFR 1.84 & 1.121. On 16 August 04, new drawings arrived, but they were from the wrong case (similar, but wrong). This paper mix-up was considered to be a bonafide attempt, and Applicant now has another opportunity to submit the corrected drawings. Failure to do so will result in abandonment, as per the paper mailed 11 May 04.

Examiner will ignore the new drawings (which would have been new matter anyway), and will base the examination upon the originally filed drawings.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3,8,10,15,22,23 and 28 rejected under 35 U.S.C. 102(b) as being anticipated by Francis '321, who shows a razor subassembly with all of the recited

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limitations including 2 plastic blocks (19) and 2 metal blades (14) imbedded in slots having locking structure (12). This subassembly (figure 1) fits into a recess in a razor (figure 11).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5,8-12,15,22,23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis, who shows a razor, as set forth above, with most of the recited limitations.

Francis' razor has only two blades. Examiner takes Official Notice that it is old and well known for razors of this type to have up to five blades. An example of this is the patent publication to Coffin et al.'835 (line 1, page 2). It would have been obvious to one of ordinary skill in the art to have modified Francis by employing up to five blades, instead of just two, as is well known and taught by Coffin, in order to provide a smoother shave.

Francis' slots have projections (12) and engagement holes, but the projections are on the blades and the holes are in the slots, rather than vice-versa. However, the courts have long held that a mere reversal of parts is not inventive. See In re Gazda, 219 F.2d 449, 104 USPQ 400. It would have been obvious to one of ordinary skill in the art to have projection in the slot and the hole in the blade, since the operation of the

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device would not thereby be modified. The blade end would thus have a thickness greater than the slot width minus the height of projection.


7. Made of record but not relied on are numerous patents showing pertinent razor blade construction.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached on Monday thru Thursday between 7:30am and 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached at 571-272-4514. In lieu of mailing, Applicants are encouraged to fax responses to 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more info on the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kp
28-Jun-05



**KENNETH E. PETERSON
PRIMARY EXAMINER**